IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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MONDAY, THE SIXTH DAY OF MARCH

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.Nos.4084 OF 2006

Between:

Smt.Ekadasi Devi & Anr. … Petitioners

Versus

The Mandal Revenue Officer,

Patancheru Mandal,

Medak district. … Respondent

WP.No.4085 of 2006

Between:

Kush Naseeb Khan … Petitioner

Versus

The Mandal Revenue Officer,

Patancheru Mandal,

Medak district. … Respondent

Counsel for the Petitioners: Sri W.B.Srinivas

Counsel for the Respondents: GP for Revenue

COMMON ORDER:

As common question of facts and law are involved in these writ petitions, they were heard together and are being disposed of by this common order.

The Petitioners in both the writ petitions seek for a similar relief in not considering their representations dated 16-02-2006 and 06-2-2006 respectively requesting the respondents not to interfere with their peaceful possession and enjoyment to an extent of Acs:4-08 guntas in survey nos.24/2 to 8 situated at Pocharam village of Patancheru Mandal, Medak district.

The case of the petitioners is that they are the owners and possessors of the said land and previously proceedings have been initiated under the Andhra Pradesh Assignment of land (Prohibition of Transfers) Act, 1977 and in the second case previously the Joint Collector, Medak passed orders in C1/6060/88 dated 20-7-1988 holding that there were several procedural irregularities committed by the Mandal Revenue Officer in resuming the land.

The Proceedings C1/6060/88 dated 20-7-1988 goes to show that the petitioners are the bonafide purchasers of the assigned lands and if that be so, the said orders of the District Collector cannot operate resjudicata and it is always open for the respondents to initiate proceedings under section 3 (i) (ii) of the AP Assigned Lands (Prohibition of Transfers) Act, 1977.

Under Section 3 (1) of the Act, no landless poor is entitled to transfer the assigned lands and any such transfer made shall be deemed to be null and void.

Having regard to the facts and circumstances of the case, I am of the opinion that if there is any illegal transfer by the landless poor and as the said lands are in possession of the petitioners, it is always open for the respondents to initiate necessary action in accordance with law.

Accordingly, the writ petition is disposed of at the admission stage, directing the respondents not to dispossess the petitioners without following due process of law. No costs.

MARCH 3rd, 2006. ----------

I s L. **V. ESWARAIAH , J**.

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